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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,810	02/12/2002	Jean-Marc Gery	NIKOP029, PA0441, 00/0464	7123
22434	7590	10/13/2004	EXAMINER RO, BENTSU	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

98m

Office Action Summary	Application No. 10/074,810	Applicant(s) GERY, JEAN-MARC	
	Examiner Bentsu Ro	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,8-13,18,19,21-28 and 32-41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 5,6,8-13,18,19,21-28 and 32-41 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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SECOND OFFICE ACTION --- AN EX PARTE QUALYE ACTION

1. Claims 5-6, 8-13, 18, 19, 21-28, 32-41 are all allowable except the following corrections are required:

Claim 32, line 3 defines "a first member"; line 4 defines "a second member"; lines 11-13 recite "the first section" and "the second section". It is noted that the "first section" and the "second section" have never been defined until lines 11-13. Thus, it is unclear whether that the first section and the second section are in fact the "first member" and the "second member", respectively, as defined in lines 3 and 4.

Claim 36, lines 2, 5, 7, continues to use a "third section".

Applicant must clarify the "member" and "section" in both claims 32 and 36. If the "section" is in fact different from that of the "member", then both the "section" and the "member" must be defined clearly in each of the claims. If the "section" and the "member" are same, then use only one of them exclusively.

Claims 37 and 41 have a similar problem.

2. This application is in condition for allowance except for the following formal matters:

see paragraph 1 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

3. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number (571) 272-2072.

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10/7/04

A handwritten signature in black ink, appearing to read "Bentsu Ro". The signature is fluid and cursive, with the first name "Bentsu" and the last name "Ro" clearly distinguishable.

Bentsu Ro
Senior Examiner
Art Unit 2837